

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

EUGENIO VARGAS, §
§
Plaintiff/Counterclaim Defendant, §
§
v. § Civil Action No. 4:22-CV-00430-Y
§
ASSOCIATION OF PROFESSIONAL §
FLIGHT ATTENDANTS, JULIE §
HEDRICK, AND ERIK HARRIS, §
§
Defendants/Counterclaim Plaintiff. §

**MOTION FOR SUMMARY JUDGMENT BY DEFENDANT COUNTERCLAIM
PLAINTIFF APFA FOR ENFORCEMENT
OF THE ARBITRATOR'S DECISIONS IN THIS CASE**

Defendant Counterclaim Plaintiff Association of Professional Flight Attendants (“APFA”), by its undersigned counsel, pursuant to Federal Rule of Civil Procedure 56, and Local Rules 7.1 and 56, hereby moves for summary judgment on its Counterclaim¹ by confirming and enforcing the Decisions of the Arbitrator against Plaintiff Counterclaim Defendant Eugenio Vargas (“Vargas”) at issue in this case.

SUMMARY

As shown in the accompanying Brief in Support of Summary Judgment,² there is no

¹ See APFA’s Counterclaim for enforcement of the Arbitrator’s Decisions against Defendant Vargas and for other relief. (doc. 11 at PageID 106-116).

² Also pending before the Court is the Union Defendants’ Motion to Dismiss Vargas’s Complaint seeking to vacate the Arbitrator’s Decisions in this case. (doc. 24). This motion will be fully briefed and ripe for decision after the Union Defendants file their reply to Vargas’s response on or before October 5, 2022, as required by this Court’s Order of September 15, 2022. (doc. 40). (The Union Defendants previously filed a reply (doc. 34) on August 18, 2022 to a response filed by Vargas, which response was thereafter un-filed by the Court,)

This Motion for Summary Judgment, if granted enforcing the Arbitrator’s Decisions, will also effectively resolve and dispose of APFA’s Counterclaim against Vargas for breach of fiduciary

genuine issue of material fact as to APFA's Counterclaim and, under Section 301(a) of the LMRA, 29 U.S.C. §185(a), APFA is entitled to judicial deference to, and enforcement of the Arbitrator's Decisions as a matter of law.

In accordance with LR 56.3 (a) and (b) and LR 56.5(a), and this Court's requirements for motions for summary judgement, the elements of each claim as to which summary judgement is sought are stated under the heading "Summary" on the second page of the accompanying Brief in Support of Summary Judgment, followed by the "Statement of the Case" and the statement of "Undisputed Material Facts" and the "Argument" and citation to the legal authorities relied on in support of the grant of summary judgment.

In accordance with this Court's requirements, on the first page of the Brief, in a separate section under the heading "Identification of Live Pleadings," the live pleadings for each party who has appeared in this action are identified and listed by date and docket number.,

In accordance with LR 56.5(c) and LR 56.5 the materials in the record relied on in support of the grant of summary judgement are included in a separate, contemporaneously filed Appendix, the consecutively numbered pages of which are cited to in the Brief by the abbreviation "App." followed by the relevant page number(s) of the Appendix materials. The pertinent passages are cited to either underlined or bracketed in the margin.

WHEREFORE, for the reasons set forth above and in its Brief and Appendix in Support of its Motion for Summary Judgment, AFPA urges the Court to grant summary judgment in its

duty for engaging in the same misconduct addressed by the Arbitrator (doc. 11 at PageID 115-116), entitling the Union Defendants to entry of Final Judgement in their favor on all claims and defenses as between Plaintiff Vargas and the Union Defendants. The same is true for the companion case of *Ross v. APFA et al.* CA No. 4-22-0343-Y.

favor on its Counterclaim to confirm and enforce the Arbitrator's Decisions against Vargas and to order Vargas to comply with the Arbitrator's Decisions in all respects.

Date: September 20, 2022

Respectfully Submitted,

/s/ Sanford R. Denison

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Defendants Julie Hedrick and Erik Harris*

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CERTIFICATE OF SERVICE

I certify that on this 20th day of September 2022 a true and correct copy of the foregoing document was served on the below listed counsel of record for Plaintiff/Counterclaim Defendant Vargas by a means permitted by Rule 5(b)(2) of the Federal Rules of Civil Procedure (“F.R.C.P.”).

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